

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GLORIA MAZARIEGO,

Plaintiff,

v.

WALMART Inc., et al,

Defendants.

Case No. 1:24-cv-00612-KES-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Docs. 4, 5, 14

On May 22, 2024, defendants Walmart, Inc. and Wal-Mart Real Estate Business Trust filed a notice of removal of this case based on diversity jurisdiction.¹ Doc. 1. On June 13, 2024, plaintiff Gloria Mazariego filed a motion to remand this action to Fresno County Superior Court and, concurrently, an application for leave to file a first amended complaint at a later time. Docs. 4, 5. The motions were referred to the assigned United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Doc. 7.

On July 30, 2024, the magistrate judge filed findings and recommendations recommending that plaintiff's motions be denied. Doc. 14. The magistrate judge found the named defendants are diverse from plaintiff and plaintiff has not yet sought leave to amend her complaint to substitute a Doe defendant with a named defendant. *Id.* at 7-8. The magistrate

¹ On July 25, 2024, Defendants Walmart, Inc. and Wal-Mart Real Estate Business Trust filed a notice clarifying that the third named Defendant, "Walmart," has not been served and is not a proper legal entity. Doc. 13.

1 judge noted that plaintiff is not precluded from bringing a proper motion for leave to amend
2 should she discover the true names of the Doe defendants. *Id.* at 8. The findings and
3 recommendations were served on the parties and contained notice that any objections to the
4 findings and recommendations were to be filed within fourteen (14) days from the date of service.
5 No objections were filed, and the time to do so has passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the court has conducted a de
7 novo review of this case. Having carefully reviewed the file, the court concludes that the findings
8 and recommendations are supported by the record and proper analysis.

9 Accordingly, IT IS HEREBY ORDERED:

- 10 1. The findings and recommendations issued July 30, 2024, Doc. 14, are ADOPTED
11 IN FULL;
- 12 2. Plaintiff's motion to remand the case to Fresno County Superior Court, Doc. 4, is
13 DENIED; and
- 14 3. Plaintiff's application for leave to amend to file a first amended complaint at a
15 later time, Doc. 5, is DENIED.

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18 IT IS SO ORDERED.

19 Dated: August 22, 2024


UNITED STATES DISTRICT JUDGE